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OFFICE OF PETITIONS

In re Application of
Schutz

Application No. 09/747,506

Filed: 22 December, 2000

Attorney Docket No.: Schutz-P1-00

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ON PETITION

This is a decision on the petition filed 12 April, 2006, and considered under 37 C.F.R. §1.182.

The petition is **DISMISSED**.

NOTES:

- (1) Any petition (and fee) for reconsideration of this decision under 37 C.F.R. §1.182 must be submitted within two (2) months from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.182."
- (2) Thereafter, there will be no further reconsideration of this matter.

BACKGROUND

The petition alleges that, after filing, Applicant at the signing of the oath/declaration, Petitioner sought and obtained a court order setting forth a change of name from Jared Polis Schutz to Jared Schutz Polis.

Petitioner is directed to the commentary set forth at MPEP §605.04(c) (see: MPEP §605.04(c).¹) Which clearly indicates that a declaration attesting to the facts surrounding the error and to the truth of the correction is to be signed by the declarant under both the former name/alias/nickname and the proper legal name. Further, Petitioner should provide a supplemental application datasheet—also a directive set forth in the commentary.

This Petitioner has failed to do.

Further correspondence with respect to this matter should be addressed as follows:²

By mail: Commissioner for Patents³
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: IFW Formal Filings
 (571) 273-8300
 ATTN.: Office of Petitions

By hand: Mail Stop: Petition
 Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

¹ The commentary at MPEP §605.04(c) provides in pertinent part:
605.04(c) Inventor Changes Name [R-3]

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. Applicants are also strongly encouraged to submit an application data sheet (37 CFR 1.76) showing the new name. The petition should be directed to the attention of the Office of Petitions. The petition must include an appropriate petition fee and an affidavit signed *by the inventor setting forth< both names and ** the procedure whereby the change of name was effected, or a certified copy of the court order.

Since amendments are not permitted after the payment of the issue fee (37 CFR 1.312), a petition under 37 CFR 1.182 to change the name of the inventor cannot be granted if filed after the payment of the issue fee.<

If an application data sheet is not submitted, the petition may still be granted, but the patent may not reflect the correct spelling of the inventor's name.

If the petition is granted, if the application is maintained in paper with a file jacket label (i.e., the application is an 08/ or earlier series application), the original declaration must be marked in red ink, in the left margin "See paper No. _ for correction of inventor name" and the application should be sent to the Office of Initial Patent Examination (OIPE) for change of name on the file wrapper and in the PALM database. If the petition is granted in an Image File Wrapper (IFW) application or if the application is an 09/ or later series application, the spelling of the inventor's name should be changed in the Office computer records and a new PALM bib-data sheet should be printed. If the application is assigned, applicant should submit a corrected assignment document along with a cover sheet and the recording fee as set forth in 37 CFR 1.21(h) to the Assignment Division for a change in the assignment record.

² On July 15, 2005, the Central Facsimile (FAX) Number changed to (571) 273-8300. Faxes sent to the old number no longer are routed to the new number. The number (571) 273-8300 is the only facsimile number recognized for centralized delivery. (For further information. see: <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/cfax062005.pdf>.)

³ To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-9199.

A handwritten signature in black ink, appearing to read 'John J. Gillon, Jr.', with a stylized, looping flourish at the end.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions